

FILED

MAY 10 2013

CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY DEPUTY

(Name) David B. Turner Jr. 1 of 7
 (Address) (Mailing) 299 17th St
 (City, State, Zip) San Diego Ca. 92101
 (CDC Inmate No.) BK# 13719099

2254	1983	<input checked="" type="checkbox"/>
FILING FEES		<input checked="" type="checkbox"/>
Yes	No	<input checked="" type="checkbox"/>
CIVIL MOTION FILED		<input checked="" type="checkbox"/>
Yes	No	<input checked="" type="checkbox"/>
COPIES SENT TO		<input checked="" type="checkbox"/>
Court	ProSe	<input checked="" type="checkbox"/>

United States District Court
Southern District of California

David B. Turner Jr.

(Enter full name of plaintiff in this action.)

Plaintiff,

13CV1133 WQH BGS

Civil Case No. _____

(To be supplied by Court Clerk)

v.

San Diego Central Jail
2 to 5 John Does
San Diego County Sheriff's
1 John Doe

(Enter full name of each defendant in this action.)

Defendant(s).

Complaint Under the
Civil Rights Act
42 U.S.C. § 1983

A. Jurisdiction

Jurisdiction is invoked pursuant to 28 U.S.C. § 1333(a)(3) and 42 U.S.C. § 1983. If you wish to assert jurisdiction under different or additional authority, list them below.

B. Parties

1. Plaintiff: This complaint alleges that the civil rights of Plaintiff, David B
Turner Jr. (print Plaintiff's name), who presently resides at George Bailey
Detention Facility 5B-232 (mailing address or place of confinement), were violated by the actions
 of the below named individuals. The actions were directed against Plaintiff at San Diego
Central Jail on (dates) 3-21-13, 3-22-13, and 4-2-13.

(institution/place where violation occurred)

(Count 1)

(Count 2)

(Count 3)

2. Defendants: (Attach same information on additional pages if you are naming more than 4 defendants.)

Defendant San Diego Central Jail resides in San Diego Ca.,
 and is employed as a San Diego Central Jail. This defendant is sued in

his/her individual official capacity. (Check one or both.) Explain how this defendant was acting

under color of law: Excessive Force, cruel and unusual punishment, "wanton" conduct. Involves Force that is applied maliciously and sadistically to cause harm, as opposed to force that is applied in a good faith effort.

Defendant #1 - John Doe resides in San Diego,
 and is employed as a deputy Sheriff. This defendant is sued in

his/her individual official capacity. (Check one or both.) Explain how this defendant was acting

under color of law: Excessive Force, cruel and unusual punishment, "wanton" conduct. Force was applied maliciously to cause harm as, opposed to force that is applied in a good faith effort.

Defendant #2-5 John Does resides in San Diego Ca.,
 and is employed as a deputy Sheriff's. This defendant is sued in

his/her individual official capacity. (Check one or both.) Explain how this defendant was acting

under color of law: Excessive Force, cruel and unusual punishment, "wanton" conduct. Force applied maliciously and sadistically to cause harm, Opposed to force that is applied in a good-faith effort to maintain discipline

Defendant San Diego County Sheriff resides in San Diego,
 and is employed as a Sheriff's Department. This defendant is sued in

his/her individual official capacity. (Check one or both.) Explain how this defendant was acting

under color of law: "Cruel or unusual punishment" prohibited by the Eighth Amendment. Defendant's actions or omissions amounted to deliberate indifference to a serious medical need. The Plaintiff should have been taking to a hospital for better care. He has a major, head injury caused by 3 to 6 punches to his right eye. He lost a great amount of blood and was denied the care he needs. He needed 6 to 7 stitches in his head on his right eye

C. Causes of Action (You may attach additional pages alleging other causes of action and the facts supporting them if necessary.)

Count 1: The following civil right has been violated: Freedom from cruel and unusual punishment, excessive force (E.g., right to medical care, access to courts, due process, free speech, freedom of religion, freedom of association, freedom from cruel and unusual punishment, etc.) Eighth Amendment

Supporting Facts: [Include all facts you consider important to Count 1. State what happened clearly and in your own words. You need not cite legal authority or argument. Be certain to describe exactly what each defendant, by name, did to violate the right alleged in Count 1.]

3-21-2013 San Diego Central Jail
 The Plaintiff was on the ground being held down by about 2-5 John Does Sheriff deputies. It was nothing he could do to put any one in danger. He was being tased repeatedly he was in handcuffs. #1 John Doe deputy ran in the holding cell and began punching hard, the Plaintiff David B. Turner Jr in his head or face, in his right eye until he started to pour out blood from his face. This was a clear case of excessive force and cruel and unusual punishment. "Wanton" conduct sufficient to satisfy the subjective component of the Eighth Amendment this case involves force that is applied maliciously and sadistically to cause harm as opposed to force that is applied in a good-faith effort to maintain or restore discipline.

Atkins v. County of Orange, 372

Ziemba v. Armstrong, 433 F. Supp. 2d 248

(D. Conn 2006) 3-21-2013 San Diego Central Jail

U.S.C.A. Const Amend 1; 42 U.S.C.A. §1983 Rivera v. Lempke
 810 F. Supp. 2d (W.D.N.Y. 2011) Free speech

Count 2: The following civil right has been violated: Access to courts

Freedom from cruel and unusual punishment
(E.g., right to medical care, access to courts, due process, free speech, freedom of religion, freedom of association, freedom from cruel and unusual punishment, etc.)

Supporting Facts: [Include all facts you consider important to Count 2. State what happened clearly and in your own words. You need not cite legal authority or argument. Be certain to describe exactly what each defendant, by name, did to violate the right alleged in Count 2.]

On 3-22-2013 at San Diego Central Jail David B. Turner Jr was placed in segregated housing with major injuries to his head. Doing this time he was not able to take showers or have any contact with the outside world. His inmate phone account was not set-up and is not set up now, it's been blocked. This is a clear civil rights case that the plaintiff needs to be granted relief. He was in segregated housing over the ordered time. The phone has been blocked all the time David B. Turner Jr has been locked-up in the San Diego County Sheriff's department. Stopping his mail and access to the Court's and his Lawyer.

Count 3: The following civil right has been violated: freedom of religion

civil rights act
(E.g., right to medical care, access to courts, due process, free speech, freedom of religion, freedom of association, freedom from cruel and unusual punishment, etc.)

Civil rights

due process, free speech, freedom of religion, freedom of association, freedom from cruel and unusual punishment, etc.)

Supporting Facts: [Include all facts you consider important to Count 3. State what happened clearly and in your own words. You need not cite legal authority or argument. Be certain to describe exactly what each defendant, by name, did to violate the right alleged in Count 3.]

On 4-7-2013 David B. Turner Jr was denied the right to go to religious services, he is a strong believer and needed the services to help him feel better with Gods help.

4-7-2013 1:50 pm

San Diego Central Jail

D. Previous Lawsuits and Administrative Relief

1. Have you filed other lawsuits in state or federal courts dealing with the same or similar facts involved in this case? Yes No.

If your answer is "Yes", describe each suit in the space below. [If more than one, attach additional pages providing the same information as below.]

(a) Parties to the previous lawsuit:

Plaintiffs: David B. Turner Jr.

Defendants: San Diego Sheriffs 5 Does

(b) Name of the court and docket number: United States District Court Southern District No. 13-0868 LAB (WVG)

(c) Disposition: [For example, was the case dismissed, appealed, or still pending?] Order Dismissing Case Without Prejudice

(d) Issues raised:

Writ of Habeas Corpus pursuant to
28 U.S.C. § 2254

(e) Approximate date case was filed: 4-12-2013

(f) Approximate date of disposition: 4-15-2013

2. Have you previously sought and exhausted all forms of informal or formal relief from the proper administrative officials regarding the acts alleged in Part C above? [E.g., CDC Inmate/Parolee Appeal Form 602, etc.]? Yes No.

If your answer is "Yes", briefly describe how relief was sought and the results. If your answer is "No", briefly explain why administrative relief was not sought.

Needed to amend complaint
told to get a civil rights suit
because of the Excessive force
cruel and unusual punishment. 8th
Amendment rights, Also needs a Fee
Waiver for the court costs.

E. Request for Relief

Plaintiff requests that this Court grant the following relief:

1. An injunction preventing defendant(s): San Diego Central Jail, 1 John Doe, 2 to 5 John Does and San Diego County Sheriffs from violating the civil rights of David B. Turner Jr.
2. Damages in the sum of \$ 700,000.00
3. Punitive damages in the sum of \$ 200,000.00
4. Other: Pain and Suffering \$700,000.00

F. Demand for Jury Trial

Plaintiff demands a trial by Jury Court. (Choose one.)

G. Consent to Magistrate Judge Jurisdiction

In order to insure the just, speedy and inexpensive determination of Section 1983 Prisoner cases filed in this district, the Court has adopted a case assignment involving direct assignment of these cases to magistrate judges to conduct all proceedings including jury or bench trial and the entry of final judgment on consent of all the parties under 28 U.S.C. § 636(c), thus waiving the right to proceed before a district judge. The parties are free to withhold consent without adverse substantive consequences.

The Court encourages parties to utilize this efficient and expeditious program for case resolution due to the trial judge quality of the magistrate judges and to maximize access to the court system in a district where the criminal case loads severely limits the availability of the district judges for trial of civil cases. Consent to a magistrate judge will likely result in an earlier trial date. If you request that a district judge be designated to decide dispositive motions and try your case, a magistrate judge will nevertheless hear and decide all non-dispositive motions and will hear and issue a recommendation to the district judge as to all dispositive motions.

You may consent to have a magistrate judge conduct any and all further proceedings in this case, including trial, and the entry of final judgment by indicating your consent below.

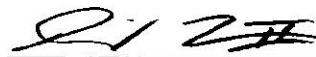
Choose only one of the following:

Plaintiff consents to magistrate judge jurisdiction as set forth above. OR Plaintiff requests that a district judge be designated to decide dispositive matters and trial in this case.

I declare under the penalty of perjury that the foregoing is true and correct.

5-3-2013

Date



Signature of Plaintiff

1 David B Turner Jr
2 BK# 13719099 Cell 232-58
3 446 Alta Rd, Suite 5300
4 San Diego, Ca. 92158
5

6 Dear Clerk of the Court,
7 My name is David B. Turner, Jr, and
8 I need these papers filed. I
9 was unable to get any copies
10 in this jail. I have the following
11 forms: ① Civil Cover Sheet - 1 page
12 ② Complaint Under the Civil Right Act 42
13 U.S.C. §1983 - 7 pages
14 ③ Motion and Declaration Under
15 Penalty of Perjury in Support of
16 motion to Proceed in Forma
17 Pauperis - 5 pages
18 Please copy and return the case
19 number if possible. I have no
20 way to get copies of the
21 time and my phone code in
22 here has been blocked, so I
23 can't call my family. Please
24 send case number to:

25 David B Turner Jr

26 BK# 13719099 - Cell 232-58

27 446 Alta Rd. Suit 5300

28 San Diego, Ca 92158

29 Thanks, This will be greatly appreciated.

30 5-7-2013 (as)

(P.S.)

This is a new case I
need to be filed at the
courts, please send case number
back, please A.S.A.P. please
thanks.

CIVIL COVER SHEET

The JS 44 civil coversheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court in the purpose of initiation of the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

FILED

I. (a) PLAINTIFFS

David B. Turner, Jr.
13719099

DEFENDANTS

San Diego Central Jail, et al.

MAY 10 2013

(b) County of Residence of First Listed Plaintiff **San Diego**
(EXCEPT IN U.S. PLAINTIFF CASES)

1983

1983

NOTE

IPP MOTION FILED

Yes No

Attorneys (If Known)

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Court Pro Se

THE CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

(For Diversity Cases Only)

PTF DEF

Citizen of This State 1 1

Incorporated or Principal Place of Business In This State

PTF DEF

Citizen of Another State 2 2

Incorporated and Principal Place of Business In Another State

PTF DEF

Citizen or Subject of a Foreign Country 3 3

Foreign Nation

PTF DEF

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

1 U.S. Government Plaintiff 3 Federal Question (U.S. Government Not a Party)

2 U.S. Government Defendant 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

Citizen of This State <input type="checkbox"/> 1 <input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State
Citizen of Another State <input type="checkbox"/> 2 <input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State
Citizen or Subject of a Foreign Country <input type="checkbox"/> 3 <input type="checkbox"/> 3	Foreign Nation

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORUM/TITLE/PENALTY	Bankruptcy	CIVIL STATUTES
<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> PERSONAL INJURY	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 375 False Claims Act
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 690 Other	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability			<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander			<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Federal Employers' Liability			<input type="checkbox"/> 450 Commerce
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine			<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans)	<input type="checkbox"/> 345 Marine Product Liability			<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 350 Motor Vehicle			<input type="checkbox"/> 480 Consumer Credit
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 355 Motor Vehicle Product Liability			<input type="checkbox"/> 490 Cable/Sat TV
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 360 Other Personal Injury			<input type="checkbox"/> 850 Securities/Commodities/ Exchange
<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 362 Personal Injury - Med. Malpractice			<input type="checkbox"/> 890 Other Statutory Actions
<input type="checkbox"/> 196 Franchise				<input type="checkbox"/> 891 Agricultural Acts
				<input type="checkbox"/> 893 Environmental Matters
				<input type="checkbox"/> 895 Freedom of Information Act
				<input type="checkbox"/> 896 Arbitration
				<input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision
				<input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	IMMIGRATION	
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 462 Naturalization Application	
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> Habeas Corpus:	<input type="checkbox"/> 463 Habeas Corpus - Alien Detainee (Prisoner Petition)	
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 530 General	<input type="checkbox"/> 465 Other Immigration Actions	
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 443 Housing/ Accommodations	<input type="checkbox"/> 535 Death Penalty		
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 445 Amer. w/Disabilities - Employment	<input type="checkbox"/> 540 Mandamus & Other		
<input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 446 Amer. w/Disabilities - Other	<input type="checkbox"/> 550 Civil Rights		
	<input type="checkbox"/> 448 Education	<input type="checkbox"/> 555 Prison Condition		
		<input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement		

V. ORIGIN

(Place an "X" in One Box Only)

1 Original Proceeding 2 Removed from State Court 3 Remanded from Appellate Court 4 Reinstated or Reopened 5 Transferred from another district (specify) 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
42:1983Brief description of cause:
Prisoner Civil Rights

VII. REQUESTED IN COMPLAINT:

 CHECK IF THIS IS A CLASS ACTION
UNDER F.R.C.P. 23DEMAND \$ CHECK YES only if demanded in complaint:
JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

05/10/2013

SIGNATURE OF ATTORNEY OF RECORD

s/ SKHoestenbach *SKHoestenbach*

FOR OFFICE USE ONLY

RECEIPT #

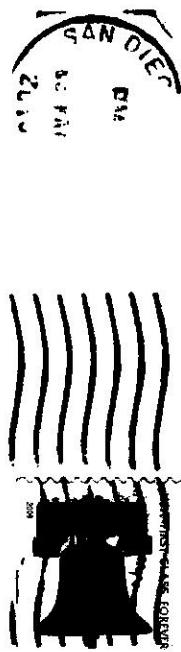
AMOUNT

APPLYING IPP

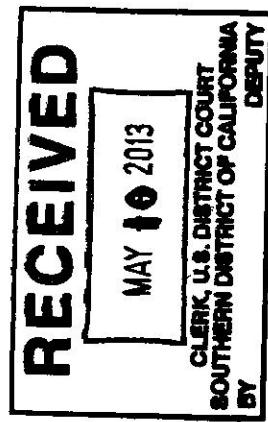
JUDGE

MAG. JUDGE

David B. Turner Jr.
bk# 13219099/58-232
446 Alta Rd., Suite 5300
San Diego, Ca. 92158



Clerk of U.S. District Court
Room 4200
880 Front Street
San Diego, Ca. 92101-8000



MSU 5
MAG
Legal